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USDC SDNY DOCUMENT

ELECTRONICALLY FILED

DOC#: ______ DATE FILED: _April 20, 20221___

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

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THELMA GOMEZ,

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Plaintiff,

20-cv-4174 (ALC)

-against-

; • OD

ORDER TO SHOW CAUSE

NYHS DESIGN INC. ET AL,

Defendant.

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ANDREW L. CARTER, JR., United States District Judge:

On June 1, 2020, Plaintiff Thelma Gomez ("Plaintiff") filed a complaint against Defendant NYHS Design Inc., Harry Young, and Jacqueline Warner ("Defendants"). (ECF No. 1). Defendant NYHS Design Inc. was served by on June 16, 2020. (ECF No. 10). To date, Defendant has not answered or otherwise responded to the Complaint or appeared in this action. The Court entered an Order to Show Cause on August 6, 2020 ordering Plaintiff to show why this action should not be dismissed without prejudice for failure to prosecute. (ECF No. 10). Plaintiff responded on September 10, 2020. (ECF No. 14). On December 11, 2020, having obtained a clerk's certificate of default, Plaintiff filed a Motion for Default Judgment against Defendant NYHS Design, Inc. (ECF No. 18).

Upon the affidavit of Shawn Clark, the Summons and Complaint previously filed in this action, and the Affidavit of Service thereof, Defendant is hereby **ORDERED TO SHOW CAUSE** why default judgment for failure to move or otherwise answer the Complaint should not be entered, pursuant to Rule 55 of the Federal Rules of Civil Procedure. Defendants shall **SHOW CAUSE** in writing by Affidavit and Memorandum of Law, filed with the Court and served upon Plaintiff's counsel **on or before May 4, 2021**. Plaintiff shall have until **May 11, 2021** to file an Opposition,

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if any, to the submissions of Defendant.

Plaintiff is directed to serve a copy of this Order to Show Cause and the papers upon which it is based on Defendant no later than **April 23, 2021**. Plaintiff shall file proof of service with the Court within fourteen (14) days of entry of this Order.

Defendant is advised that failure to respond to the Order to Show Cause may be grounds for the granting of a Default Judgment in Plaintiff's favor.

SO ORDERED.

Dated:

April 20, 2021

New York, New York

ANDREW L. CARTER, JR. United States District Judge

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